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October 4, 2018

APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 10/5/2018

VIA CM-ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Counsel is directed to email a completed electronic order form to my chambers inbox for approval to bring in their electronics for the October 11 status conference.

Re: *United States v. Christopher Collins, et al.*, No. 18-cr-567 (VSB) (S.D.N.Y.)

Dear Judge Broderick:

We, collectively, are counsel for Defendants Christopher Collins, Cameron Collins, and Stephen Zarsky (“Defendants”) in this matter and submit this letter motion jointly on behalf of each. Pursuant to Federal Rule of Criminal Procedure 43, Defendants hereby move to be excused from personally appearing at the status conference scheduled for October 11, 2018. In addition, for attorneys Barr and Wangsgard, we request leave of the Court to be excused from the Local Civil Rule 1.8 prohibitions such that each attorney may bring one Personal Electronic Device into the courthouse.

At the initial appearance held on August 8, 2018, the Court scheduled a Status Conference for October 11, 2018 to discuss, among other things, the status of discovery and motions scheduling. There are no presently-pending motions and the Status Conference is not a hearing. Rep. Collins will be in-District in the Buffalo area on the date of the Status Conference, as October is a District Work Month for Congress. Messrs. Collins and Zarsky will be in New Jersey. Rule 43(b)(3) provides that a defendant “need not be” present if the appearance involves “only a conference or hearing on a question of law.” Undersigned counsel will be present in the courtroom and prepared for all issues, including the setting of a schedule for proceedings in this matter.

Attached to this letter motion are three waivers of appearance for the October 11, 2018 Status Conference executed by each Defendant.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

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Local Civil Rule 1.8, incorporated by Local Criminal Rule 1.1, authorizes the possession of Personal Electronic Devices by administrative order. Accordingly, we respectfully request entry of such an order. We understand that any devices authorized pursuant to this request will be subject to examination for security purposes as are all other materials brought into the courthouse. Further, we have read and understand the 2016 Committee Note to Rule 1.8 regarding the continued prohibition on making any audio or video recording of any proceeding or communication with the Court.

We have conferred with counsel for the government, who has no objection to the relief requested herein.

For these reasons, we respectfully request that the Defendants' personal appearance be waived for the October 11, 2018 Status Conference and that attorneys Barr and Wangsgard be permitted to carry their cellular telephones. If you have any questions, please contact any of us at the numbers below.

Sincerely,

/s/ Jonathan R. Barr
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Jonathan R. Barr
Kendall E. Wangsgard
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Counsel for Christopher Collins *Counsel for Cameron Collins* *Counsel for Stephen Zarkasy*

Attachments

cc: All counsel of record (via CM-ECF)